

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1297 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

BHAVNAGAR MUNICIPAL CORPN

Versus

SHAH JAYANTILAL HARJIVANDAS

Appearance:

MR JR NANAVATI for Petitioner
MR SURESH M SHAH for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 24/12/1999

ORAL JUDGEMENT

1. This civil revision application is directed by Bhavnagar Municipal Corporation against the order of the Assistant Judge, Bhavnagar dated 13.12.1994 in Misc.Civil Appeal No.198/94 under which the appeal of the plaintiff

- respondent was came to be allowed and the order passed of the trial court below Exh.5 in Regular Civil Suit No.314/91 was came to be set aside and the Corporation was restrained from executing the order passed on 17.5.1991 for demolition of compound wall constructed by the plaintiff - respondent till the final decision of the suit.

2. This civil revision application was admitted by this court on 4.8.1995, but the court has not granted any interim relief in favour of the petitioner. So the interim relief which has been granted in form of temporary injunction by the appellate court continues for all these years. The suit is of the year 1991 and even if the petitioner has some case on merits, I do not consider it in the larger interest of the parties to now permit the petitioner to demolish the compound wall. Interest of justice will meet in case this civil revision application is disposed of in terms that the learned trial court shall dispose of the Regular Civil Suit No.314/91 within a period of 9 months from the date of the receipt of the writ of this order or certified copy thereof whichever is earlier. Civil Revision Application and the rule stand disposed of accordingly with no order as to costs.

(pathan)